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28 Attorneys for Defendant  
NATIONWIDE MUTUAL INSURANCE  
COMPANY

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20 UNITED STATES DISTRICT COURT  
21  
22 NORTHERN DISTRICT OF CALIFORNIA

23 FRANK FOSTER, PHILLIP WAMOCK,  
24 individually and on behalf of all others  
similarly situated, and on behalf of the  
general public,

Case No. C3:07-CV-4928

25 DECLARATION OF JANELLE MIKUSA  
26 IN SUPPORT OF NATIONWIDE'S  
27 MOTION TO TRANSFER VENUE

28 Date: December 18, 2007  
Time: 9:00 a.m.  
Court: 10

Before the Honorable Susan Illston

Plaintiff,  
v.  
NATIONWIDE MUTUAL INSURANCE  
COMPANY,

Defendant.

1                   I, Janelle Mikusa, hereby declare under penalty of perjury pursuant to 28  
 2 U.S.C. § 1746 that the following is true and correct based upon personal knowledge. I make this  
 3 declaration in support of Nationwide Mutual Insurance Company's Motion To Transfer Venue.

4                   1. I am currently employed by Nationwide Mutual Insurance Company  
 5 ("Nationwide" or the "Company") as a Human Resources Director supporting the Company's  
 6 Special Investigative Unit.

7                   2. As Human Resources Director, I have records regarding the residential  
 8 addresses of the Special Investigators whom Nationwide employs. I likewise have access to records  
 9 regarding the counties in which Special Investigators have been assigned claims to investigate.  
 10 These records are kept in the normal course of business.

11                  3. According to Nationwide's records, Foster has resided in Placer County,  
 12 California continuously since 2002. Specifically, since July 17, 2003, Foster resided at 2931 Fox  
 13 Den Circle in Lincoln, California. Prior to that, and since October 21, 2002, Foster resided at 1149  
 14 Barnswood Loop in Lincoln, California.

15                  4. I have reviewed a list of the nineteen individuals, including Mr. Foster and  
 16 Mr. Wamock, who have joined this lawsuit as of today. According to Nationwide's records, none of  
 17 these nineteen have resided in any of the counties named in paragraph 5, below.

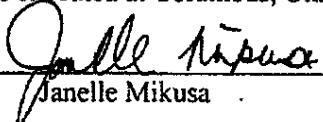
18                  5. I reviewed records that show in what counties Frank Foster has been assigned  
 19 claims to investigate since September 1, 2003. From my review of these records, approximately 400  
 20 claims have been referred to Mr. Foster for investigation since September 1, 2003. Of this amount,  
 21 two referrals were located in Humboldt County, three in Mendocino County, seven in Sonoma  
 22 County, one in Marin County, two in Napa County, one in Contra Costa County, four in Alameda  
 23 County and five in Santa Clara County. The records show that Mr. Foster received no referrals of  
 24 claims to investigate in Del Norte, Lake, San Francisco, San Mateo, Santa Cruz, San Benito and  
 25 Monterey counties.

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1 I declare under penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct and that this declaration was executed at Columbus, Ohio.

3   
4 Janelle Mikusa

5 Dated: 11-29-07

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